



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,439	03/07/2001	Henry H. Sohn	017887-005110US	7102
20872	7590	08/08/2006	EXAMINER	
MORRISON & FOERSTER LLP 425 MARKET STREET SAN FRANCISCO, CA 94105-2482			HU, JINSONG	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,439

Applicant(s)

SOHN ET AL.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-28, 51-61, 63-65, 77-87 and 89-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-28, 51-61, 63-65, 77-87 and 89-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/8/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19, 21-28, 51-61, 63-65, 77-87 and 89-91 are presented for examination. Claims 1, 50 and 77 have been amended. Claims 20, 62 and 88 have been canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19, 21-27, 50, 52-61, 63-65, 77, 79-87 and 89-91 are rejected under 35 U.S.C. 102(e) as being anticipated by Mackintosh et al. (US 6,317,784).

4. As per claims 1, 4-5, 16, 19 and 25, Mackintosh teaches the invention as claimed including a computer implemented method of displaying interactive media content, the method comprising the steps of:

receiving a data stream [col. 2, lines 43-44] from a first server system over a network connection, wherein the data stream includes a first data portion corresponding

Art Unit: 2154

to a real time media presentation and a second data portion identifying data for a related web page [col. 2, lines 59-67; col. 6, lines 1-4] stored on a second server system [col. 2, lines 47-67; col. 4, line 62 – col. 5, line 6; col. 6, lines 5-19; col. 10, lines 30-54];

processing the first data portion to produce the real time media presentation [col. 5, lines 38-50];

automatically retrieving the web page data from the second server system, the web page data determined based on a previously entered user configuration [col. 5, lines 51-60; col. 6, lines 5-19; col. 7, lines 31-45; col. 10, lines 18-30; i.e., the supplemental materials are determined by users previously selection]; and

simultaneously displaying the real time media presentation and the web page on different portions of a display [col. 6, lines 20-35; col. 10, lines 30-54; col. 14, lines 36-48].

5. As per claim 2, Mackintosh teaches the step of sending a request to the first server system identifying the data stream in response to a user selection of the real time media presentation [col. 10, lines 20-25].

6. As per claims 3 and 23, Mackintosh teaches the steps of: sending a request to the first server system identifying a second real time media presentation in response to a user selection of the second real time media presentation [col. 10, lines 20-25]; receiving a second data stream from the first server system over the network connection, wherein the second data stream includes a first data portion corresponding

Art Unit: 2154

to the second real time media presentation and a second data portion identifying data for a second related web page stored on the second server system [col. 2, lines 47-67; col. 4, line 62 – col. 5, line 6; col. 6, lines 5-19; col. 10, lines 30-54]; processing the first data portion of the second data stream to produce the second real time media presentation [col. 5, lines 38-50]; automatically retrieving the second web page data from the second server [col. 5, lines 51-60; col. 6, lines 5-19]; and simultaneously displaying the second real time media presentation and the second web page on the different portions of the display [col. 6, lines 20-35; col. 10, lines 30-54; col. 14, lines 36-48].

7. As per claims 6 and 7, Mackintosh teaches a third data portion identifying data for a second related web page stored on the second server system [col. 2, lines 47-67; col. 4, line 62 – col. 5, line 6; col. 6, lines 5-19; col. 10, lines 30-54], automatically retrieving the second web page data from the second server system after the third data portion is received, wherein the second web page is related to the current subject matter of the real time media presentation [col. 5, lines 51-60; col. 6, lines 5-19]; and replacing the first web page with the second web page such that the real time media presentation and the second web page are simultaneously displayed on the different portions of the display [col. 6, lines 20-35; col. 10, lines 30-54; col. 14, lines 36-48].

8. As per claims 8 and 9, Mackintosh teaches the second data portion includes a link identifying the related web page data on the second server system, wherein the

Art Unit: 2154

step of automatically retrieving the related web page includes automatically sending a request for the web page data to the second server system using the link and receiving the web page data from the second server system over the network connection [col. 7, lines 31-45; col. 10, lines 30-54].

9. As per claims 10, Mackintosh teaches step of displaying an active browser window in a third portion of the display simultaneous with displaying the real time media presentation and the web page in first and second portions of the display [col. 6, lines 5-19; col. 10, lines 30-45; col. 13, lines 4-22; col. 14, lines 4-18].

10. As per claims 11-15, Mackintosh teaches wherein the displayed web page includes a selectable link to data content on a third server system, retrieving the data content from the third server system in response to a user selection of the link and displaying a media presentation based on the data content in the browser window [col. 10, lines 30-45; col. 13, lines 4-22; col. 14, lines 4-18].

11. As per claims 17 and 18, Mackintosh teaches the step of providing the first data portion to a media player module and decoding the first data portion in the media player module to produce the real time media presentation [Fig. 7; col. 12, lines 18-54; col. 20, lines 8-22].

12. As per claims 21-22 and 24, Mackintosh teaches the step of displaying a channel

Art Unit: 2154

bar in a third portion of the display simultaneous with displaying the real time media presentation and the web page in first and second portions of the display, wherein the channel bar includes selectable links for a plurality of channels [318, Fig. 7; col. 12, lines 47-54].

13. As per claims 26 and 27, Mackintosh teaches the real time media presentation includes content related to one of financial news and information, sporting news and information, shopping, auctions, and general news and information [col. 19, lines 1-7 & 25-40; col. 25, lines 40-49].

14. As per claims 50, 52-61 and 63-65, since they are system claims of 1-19 and 21-27, they are rejected for the same basis as claims 1-19 and 21-27 above.

15. As per claims 77, 79-87 and 89-91, since they are computer program claims of 1-19 and 21-27, they are rejected for the same basis as claims 1-19 and 21-27 above.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2154

17. Claims 28, 51 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackintosh et al. (US 6,317,784) as applied to claims 1-19, 21-27, 50, 52-61, 63-65, 77, 79-87 and 89-91 above.

18. As per claim 28, 51 and 78, Mackintosh teaches the invention substantially as claimed in claim 1. Mackintosh does not specifically teach automatically updating the web page by periodically polling the second server system. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the periodically polling step in Mackintosh's system because doing so would enable the user obtain the latest information from web. One of ordinary skill in the art would have been motivated to modify Mackintosh's system to improve the performance of the system.

Conclusion

19. Applicant's arguments filed 6/8/06 have been fully considered but they are not persuasive.

In the remarks, applicant argued in substance that

A. 102 rejection is not proper;

B. Mackintosh does not teach the web page data determined based on a previously entered user configuration;

C. Motivation of 103 rejections for claims 20, 62 and 88 are improper.

20. Examiner respectfully traverses applicant's remarks:

i. As to point A, the examiner has explained the reason for applying the 102 rejection to the claims. Furthermore, applicant did not point out any detail limitation, which is missed in the prior art reference. Thus, the rejection is still maintained.

ii. As to point B, the applicant fails to consider the teaching of Mackintosh for determining the supplemental materials based on users previously selection [col. 5, lines 51-60; col. 6, lines 5-19; col. 7, lines 31-45; col. 10, lines 18-30], i.e., the web page data determined based on a previously entered user configuration. Thus, Mackintosh teaches the newly added limitation.

iii. As to point C, the claims 20, 61 and 88 have been canceled. Thus, the arguments are moot.

21. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later

Art Unit: 2154

than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965.

The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

August 2, 2006



VIET D. VU
PRIMARY EXAMINER